

the effect of necessary uncertainty will not be a good thing for the interests of Pittsburgh.

A lawyer who has been associated with the Steel Corporation from the beginning said last night that there was not much to be said about the suit in its present status.

"Except that the suit is of great public concern and that it is a Government action this suit does not differ greatly from others. The answer will be filed in due time and then the suit will go quietly along according to the usual process."

A financier who has been closely in touch with the affairs of the Steel Corporation said that he was glad the suit had come, if indeed it was to come at all.

"I hope the shareholders won't be alarmed," he said. "This suit has been talked of so long that they ought to have been hardened to the idea long before now. With things as they stand now there is not much chance for the circulation of rumors for stock-punching purposes. He went on to say that he did not feel there was any occasion for alarm. He declared that the Steel Corporation was going to fight the case to the end, and he felt secure as to the outcome."

**GARY DINNERS A TOPIC.**  
A lawyer who has expressed himself before on Government suits against corporations pointed to the Gary dinners as the most vulnerable point which the lawyers for the Steel Corporation would have to defend. He said that even in the face of warnings to the contrary, the instruction to be placed on the Gary dinners, Judge Gary went from testifying before the Stanley committee in Brussels to participating in the dinners and something greater than a Gary dinner, the international conference of steel manufacturers.

A spokesman for one of the larger independents, who didn't want his name to appear, said that it would work a hardship on the steel makers of this country in case the Steel Corporation was forced to dissolve.

"The independent steel manufacturers are generally sorry the suit has been brought," he said. "I believe the buyers are as sorry as we are. All of us want a steady market. If once a rate war were started, then the whole steel market would be in a fix. It would be a confusion and buyers would know whether to purchase to-day or to-morrow or next week."

The independents never had a complaint to make against the Steel Corporation, except that it was inclined to keep the market a shade lower than they would willingly have had it. The corporation's prices were low, except in steel rails. For ten years rails have been sold at \$28 a ton, and I can tell you now that we could make them at a profit for \$18 a ton.

This speaker did not want to say whether the Gary dinners served to fix prices.

"But there was no distribution of territory arranged for at the dinners," he said. "This resulted automatically from a steady market."

He said that the steel makers would try to agree on prices no matter what the outcome of the Government suit. "Neither the Government nor any other else can keep us from getting together," he said. "We have learned the value of a steady market and we will stick to it. I cannot see that there will be a rate war if we can't have the Gary dinners we'll get together some other way. Nobody can stop business men meeting to talk over their affairs."

**WICKERSHAM TALKS ON DUTY.**

Hopes the Steel Corporation Will Be Good and Dissolve Voluntarily.

WASHINGTON, Oct. 27.—Attorney-General Wickersham discussed freely to-day the suit filed yesterday against the United States Steel Corporation and its subsidiaries. He expressed the hope that the steel trust and the other respondents would put their houses in order by reorganization and that a decree might be entered without having the case go to trial as has been done in the case of the electrical trust and other "malefactors."

In expressing the hope that this would be done, the Attorney-General admitted that he had some doubts about the willingness of the steel trust and its officers to acquiesce in the Government's program.

"You know those men have a reputation as fighters," said the Attorney-General.

In his conversation Mr. Wickersham expressed his regret at what he conceived to be the necessities of the case, which required him to file the bill. He said he had not made the laws and that President Taft was not responsible for the legislation under which the Department of Justice was acting.

Mr. Wickersham said that only a sense of duty had impelled him to do what he had taken. He even admitted that he had no expectation that if the Government won its suit and dissolved the steel trust and was equally successful with the other great corporations that had been attacked that the legal achievement would result in the restoration of the competition that had existed before the great corporations were formed. He intimated that changes in the Sherman anti-trust law would be necessary and that the country would be shortly made aware of that fact. In expressing the hope that the steel trust would dissolve and consent to a decree the Attorney-General added that the dissolution and reorganization would have to be real and not a pretence.

Talking to one of his personal friends to-day, Mr. Wickersham recalled a conversation he had recently with one of the "captains of industry" whom he encountered in a club in New York city. The capitalist was complaining bitterly of the police that was being pursued by the President and the Attorney-General. Mr. Wickersham said that he told his critic that neither the President nor the Attorney-General was responsible for the Sherman law, but both had taken an oath to see that the laws were faithfully and fearlessly enforced.

There was a time, he said, when there was a doubt as to what the Sherman law meant and when there was some just reason why the executive department should go slowly in the matter of enforcing the law. But all of that had disappeared with the decisions of the Supreme Court in the Standard Oil and tobacco cases. If the laws were harsh and unjust then it was the duty of Congress to amend them, and if Congress would not act then it was the duty of the people to elect a Congress that would make such laws as reflected a rational public policy.

Mr. Wickersham said that he did not take a stern looking to the prospect of industrial combinations that was not directed or sanctioned by the President. He said that the President had evolved a definite policy for the law department of the Government in dealing with these industrial combinations and it was the duty of the Attorney-General to carry out this policy or resign. The Attorney-General told his friend that the criticism that is being directed against the President and the Department of Justice from business interests is ill advised. He said that the effect of it would be to drive both President Taft and the Attorney-General out of office, but it might inaugurate an official regime in which the last state of the trusts would be worse than the first.

Mr. Wickersham said that he looked

for an early beginning of the case. He said that January 1 was the earliest date possible, but he expected that it would be somewhat later. The respondents would enter their appearance on the first Monday in December, and then there would be a month allowed them in which to answer the petition in the bill filed by the Government, but that the court might extend this in its discretion, on account of the importance of the issues involved.

Mr. Wickersham referred to the long time taken in reaching a final conclusion in the Supreme Court in both the Standard Oil and the Tobacco trust cases. The Standard Oil case was filed in November, 1900, was decided in the lower court in 1906, and finally affirmed in the Supreme Court last May, about four years and a half after the filing of the bill. The Tobacco case did not require so long, being filed July 10, 1907, and finally concluded on appeal last May. Both cases, however, were ordered reheard, owing to unexpected changes in the personnel of the Supreme Court.

The Attorney-General said that the burden of conducting the Government's case would probably rest upon the special counsel, Jacob M. Dickinson, ex-Secretary of War. The Attorney-General will undoubtedly take part in the case, but Mr. Dickinson is to be the heavy artillery. He may be assisted by other special counsel to be retained by the Government. Solicitor-General Lehmann, who had a hand in the work of preparing the case against the Standard Oil trust, will probably not take an active part in prosecuting the case. His relation to the matter was advisory while the bill was being prepared, but he has not yet taken any important matters to engage his time.

The fact that Mr. Lehmann's name does not appear as one of the counsel for the Government in the bill filed at Trenton yesterday started a story in Washington to-day that this omission was not without an important significance. This conclusion was drawn from the fact that it was known that Mr. Lehmann was slated for the Supreme Court to succeed Justice Harlan, but it was manifest that the officers at the Department of Justice did not take this rumor seriously.

"In the Government bill," said the Attorney-General, "we have included everything in the way of relief that we were entitled to ask. Whether we will get everything we have asked, should the court give the Government a decree, remains to be seen. If we do, we will make a study of the various industrial trusts by the legal minds of the Government and the plans of reorganization must necessarily differ between these two corporations. As to the others, they have some points in common, but in most respects are widely different."

The Attorney-General and his associates were expected to have a meeting at the Taft administration has not been trying to steal the political capital of Representative Stanley of Kentucky and the Democratic House of Representatives. It was even said that the Department was thoroughly in accord with Representative Stanley, who is at the head of the steel trust, in making an investigation into the steel trust.

Mr. Stanley and his committee are trying to find out what technical legislation is necessary, according to the Attorney-General's view, and the Department of Justice is engaged in enforcing laws that have been passed by Congress. There is no reason, it was said, why the two forces should not work in harmony, and they have been cooperating and will continue to do so.

It is expected that the Stanley committee will be careful in future to avoid giving "community baths" to witnesses who later may be brought into the case by the Government. The Democrats say that whatever political capital is to be derived will inure to their benefit. Congress was the active force in the committee which brought evidence to the surface that furnished the Department of Justice with the material with which it framed its bill against the steel trust.

The anti-trust activity of the Taft Administration will undoubtedly bring the subject of Federal incorporation conspicuously before the next session of Congress in the opinion of politicians here. President Taft is very insistent that Congress pass a Federal incorporation law and his desires in this respect are shared by most of the big corporations. The proposed legislation, along with the two bills blocked heretofore by the Democrats and the insurgent Republicans in Congress. They believe that if the Government interferes to put the trusts in line, the results will be that the big trusts will in time be running the Government.

Some of the legal minds of the Department of Justice were giving thought to-day to the suggestion that some of the big industrial combinations may seek to get from under the authority of the Federal Government by turning their business over to English corporations. They are particularly interested in the report that an English syndicate is to take over the independent telephone business east of the Mississippi and merge all the companies and operate them as one concern. The Government is watching this movement, if it became general, might raise very interesting questions with reference to Federal regulation.

That the Government is not to be the last performance by the Government in the courts along this line. Other anti-trust suits are in course of preparation. President Taft directed the Attorney-General shortly after the decision in the Standard Oil and tobacco cases to investigate every trust and to begin the independent telephone business, one that was doing business in violation of the Sherman law as the highest court has construed it.

**GOVERNMENT TO GIVE TIME.**

Won't Ask for Preliminary Order Unless Steel Trust Delays Things.

TRENTON, N. J., Oct. 27.—United States Attorney-General Wickersham and ex-Secretary of the War J. M. Dickinson

clarified the steel trust situation to-day regarding the request in the petition for a temporary order of injunction enjoining the steel trust and its constituent companies from further continuing their alleged illegal monopoly. United States District Attorney Vreeland said that it was not the intention of the Government to press at this time the application for the preliminary order. He explained, however, that in the event of any attempt being made to cause unnecessary delay the Government might at any time ask the court to grant a temporary restraint against the defendants. It is the intention of the Government to let the case go to a final hearing, provided this can be accomplished within a reasonable time.

It has been decided that the case will be heard by three United States Circuit Court Judges. These are Judge William M. Lanning of this city, Judge George Gray of Wilmington and Judge Joseph H. Thompson of Philadelphia. The request for a preliminary order was made by the Government upon the ground of the public importance of the litigation.

The Government anticipates that the suit will be decided at every point, though informal consideration has been given to the course which might be pursued in the event of the Steel Corporation's refusal to accept the Government's terms acceptable to the Government.

Mr. Vreeland said to-day that whether such a course as this would be possible, assuming willingness on the part of the corporation, must depend upon the decision of the Attorney-General regarding his right to consider such negotiations in behalf of the Government.

THURSDAY, N. O., Oct. 27.—It is believed here that the case cannot be ready for argument within a year. Even this reckoning does not take into account the unavoidable delay likely to occur in taking the volumes of testimony which will probably figure in the case.

One prediction made in the court room to-day by a lawyer with similar though slight qualifications was that the evidence could not be got together in less than two or three years. The Government's case against the fifty-nine defendants is returnable here on December 4, when formal appearances must be entered for the defense. The Department of Justice will probably have to answer, plead or demur to the Government's petition. It is taken for granted that the defendants will either demur or plead in rebuttal. When they will have until February 5 to file a replication, which may be either formal or otherwise according as the answers may be raised in rebuttal. When the issue has been finally joined the court will be asked to provide for the taking of testimony. It was announced here to-day that the Government will devote the time necessary actually to hear the testimony and that an examiner will be designated before whom the evidence will be taken in rebuttal. When the same regulations as would obtain if it were done in open court. The Government will first present its testimony and the defendants will then have the opportunity to examine witnesses and offer testimony in their own behalf. Then the Government will have opportunity to examine witnesses in rebuttal. All the evidence has been taken and printed. It will be submitted to the court and the trial of the case will be concluded by the arguments of counsel. It is always within the discretion of the court to grant extensions of time of postponements, so that any dates given now are subject to change.

**WANTS CRIMINAL ACTION.**

Representative Burleson Asks for Arrest of Morgan, Frick and Gary.

WASHINGTON, Oct. 27.—Representative Burleson of Texas, chairman of the Democratic caucus of the House and one of the party leaders, today introduced a bill in the House to direct the Department of Justice to proceed against the officers of the Steel trust, not merely against the corporation. He believes that the Department can have Judge Gary and Mr. Frick indicted here in Washington for their part in the conspiracy to get President Roosevelt to practically sanction the absorption of the Tennessee Coal and Iron Company by the Steel Corporation.

"I can hardly believe the charges," said Representative Burleson, "that this suit has not been instituted in good faith, that it is brought only to increase the President's chances of election, and that having served its purpose it will be dropped after the election. It was to be expected, however, considering the long delay in bringing suit, that many would suspect the sincerity of the Administration. However, the Administration can silence all that conjecture by proceeding against the officers of the corporation, who are the real culprits in this matter. They have taken action which would conclusively remove all doubt as to its sincere desire to enforce anti-trust laws."

The proposed legislation will take steps to institute criminal action against J. Pierpont Morgan, F. H. Gary and H. C. Frick, the arch principals in this collection of the anti-trust law. The bill will provide that if this is an honest effort to uphold our laws, which should be enforced against the high and mighty as well as against the low and mean. The Department might institute criminal prosecutions against the backers in Chicago and demand jail sentences against the window glass and other more character to Gary. There is fear that the Government suit may interfere with these plans and that if the corporation is forced to put an end to such flagrant violation of the law as the Government will charge against these steel officials, personally and individually.

"Inasmuch as some of the acts of this conspiracy to violate the law were committed here in Washington, when Messrs. Gary and Frick, who were former President Roosevelt, I am inclined to believe that the courts here would have jurisdiction of their offense."

**HOLD STEEL STOCK, SAYS REED.**

Chairman of Carnegie Company Warns Small Holders Against Panic.

PITTSBURGH, Oct. 27.—Former Judge James H. Reed, a director of the United States Steel Corporation, today issued the following statement advising stockholders not to part with their securities in the corporation because of the Government's suit:

"I cannot discuss the merits of the suit against the Steel Corporation, but I hope

he thousands of small stockholders of the Steel Corporation will not be stampeded into selling their stock at a loss because of the suit brought yesterday by the Government, for they must know it is one thing to bring a suit and an entirely different thing to win it.

"The corporation has tried to obey the law and treat everybody fairly and that ought to count for something in a court of law not influenced by the exigencies of politics."

None of the officers of the Carnegie Steel Company are in Pittsburgh to-day. President A. C. Dinkey and Col. H. P. Hope having hurried to New York this morning.

Local financiers are very reticent concerning the suit. The whole expressed opinions did so with the understanding that their names should not be used for publication. One man said:

"You see what the Government claims the steel trust was able to do to the syndicate controlling the Tennessee Coal and Iron Company. Well, I don't want to attract attention to me and my affairs by making any comment on the suit against the steel trust, for I have a few irons in the fire."

"The steel trust that could happen for the dissolution of the trust. We never heard that Pittsburgh was losing its supremacy in the steel industry until the trust was organized. Since the trust came into existence Pittsburgh's largest business plants have been managed from New York. This city has been utilized as a clearing house. The money made here is taken to New York to further the interests of those in control of the steel trust. There is no personal contact between employer and employee in former days. The trust officials have demonstrated that they are only interested in Pittsburgh in so far as it will produce dividends on their stock."

Other financiers declared that the dissolution of the steel Corporation would unsettle things generally and probably cause a disastrous panic.

**HEAVY DROP IN LONDON.**

Steel Common Closed Yesterday 8 1/2 Points Below Thursday's Record.

LONDON, Oct. 27.—The future of the stock market here to-day was the heavy slump in steel stocks, caused by the suit brought in Trenton, N. J., by the United States Government for the dissolution of the United States Steel Corporation. The market opened abnormally early and an enormous amount of the stock of the company was offered. There were few buyers.

The common stock was offered at low as 32 1/2. It closed at a decline of 8 1/2 points as compared with yesterday's closing price.

**STEEL SUIT TO BE PUSHED.**

Ex-Secretary Dickinson Says There Will Be No Delay in the Courts.

CHICAGO, Oct. 27.—Jacob M. Dickinson, former Secretary of War, came to Chicago to-day, discussing the steel trust suit. This case will be pushed through the courts with the utmost speed possible. "I have not been advised as to the intentions of the Steel Corporation in the fight, but I might refer you for an answer to the formal statement issued a month ago by J. Pierpont Morgan and Elbert H. Gary, as a committee of the board of directors, declaring that we believe that the organization is legal and that its management is proper."

"That's just what the Government and the directors of the Steel Corporation differ. Whatever may be the outcome in the United States court at Trenton, the suit is scheduled to reach the United States Supreme Court."

Mr. Dickinson was asked whether his arrival in Chicago on the same day that President Taft is scheduled to reach here was for the purpose of a conference with the Chief Executive and the several members of the Cabinet who will be in the city. Mr. Dickinson declared his visit had no connection with the suit.

"As a matter of fact," he said, "I came on to Chicago to attend a meeting of Messrs. Dickinson, who has been out West visiting, and to attend the dedication of the new naval training station on the North Shore."

**STEEL SUIT SCARES GARY.**

Mill Town Fears That Its Development Will Be Halted.

GARY, Ind., Oct. 27.—The filing of a suit to dissolve the United States Steel Corporation, which has millions invested in this city and upon whose prosperity every merchant, mechanic, professional man and laborer, not including the employees in the steel mills themselves, is dependent, has created a great deal of uneasiness.

Announcement was made a day or two ago that the corporation was on the eve of purchasing another large tract of land adjoining the corporation limits and intended to lay it out as a residence district, confining it to the better class of homes and using conditions that would tend to attract a more exclusive class to Gary. There is fear that the Government suit may interfere with these plans and that if the corporation is forced to put an end to such flagrant violation of the law as the Government will charge against these steel officials, personally and individually.

"That large class of business men, including merchants and professional men, who have erected business houses and residences appear to look upon the suit as foreshadowing great loss both in the value of their property and in their own values, and there is a feeling bordering closely on panic to-day."

The transformation of a tract of sand dunes, situated for the century of the State's existence, into a magnificent city of factories, business houses and residences and a population of more than 100,000 people, has been a development expected ever to see and one that none believed could have been brought about about except through the corporation.

The suit against the corporation, today issued the following statement advising stockholders not to part with their securities in the corporation because of the Government's suit:

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GO TO ROOSEVELT IMMUNITY.

Gov. Baldwin Says His Promise to Wink Affects the Steel Trust Case.

NEW HAVEN, Conn., Oct. 27.—Discussing the action brought by the Government against the United States Steel Corporation, Gov. Baldwin said to-day:

"It will raise an interesting question as to whether the Government ought in good faith go behind the assurance the Roosevelt has received from President Roosevelt that he should not deem it his duty to have them prosecuted under the Sherman act. This they doubtless understood to be morally binding upon the United States and not simply upon President Roosevelt."

"In my opinion the promise of immunity, if there was one, was a mistake of policy. It amounted to exercising what used to be called in England the dispensing power of the crown; that is, it was dispensing by the Executive power with the execution of the law."

The fifth of the Government's contention is that the officers of the Steel company misled the President by a statement of fact. This will apparently raise an issue of fact at the next meeting of the conference at Washington. In which immunity was sought and, as the company supposed, obtained.

"One transaction on their part has always seemed to me to be very questionable, namely, their purchase of the Tennessee Coal and Iron Company. The Government evidently thinks so, for it

# THE MAN HIGHER UP

By the Author of THE MAN HIGHER UP

**HENRY RUSSELL MILLER**

UNION SQUARE NEW YORK THE BOBBS-MERRILL COMPANY INDIANAPOLIS

## SMUGGLING GANG IS TRAPPED

Ship's Stewards and Waiters Have Been Brained in Cigars for Three Years

Contraband Sold to New York Tailor, Also Nabbed—The Prisoners Confess.

Six seagoing waiters, known otherwise as stewards, came off the Ward line ship, the Havanna, at the foot of Wall street, at noon yesterday looking a bit stuffy forward. They were observed and followed by Customs Watchmen D. J. Landlands and J. J. Lynch in plain clothes, who were out on another mission but promptly abandoned it. The stewards went into the saloon at Water street and Maiden lane and sat down at a table, eating and drinking. The sleuths sat near by and overheard the stewards talk about boxes of cigars that they had smuggled from the ship under their houses. After a while two of the stewards, subsequently identified as John Schaff and John Hansen, went into the lavatory and came out with eight boxes of cigars done up in a newspaper. The watchmen went out and waited for the stewards to come from the saloon and nabbed them. They accepted their arrest with equanimity, and in a few minutes were tumbling over one another to tell what they knew. The watchmen took them back to the Havanna and another waiter, Alfred Yensen, wanted to know why his friends had been arrested and made protest. He also was taken in and got into the confessional.

All the stewards were hustled to the Custom House and before Gen. Henry, the Surveyor, and Special Deputy Surveyor George J. Smyth. Solicitor Mark P. Andrews and his assistant, Edward Barnes, were also called in on the case. From the officers it was learned that the Havanna had been bringing in the finest Havana cigars for the last several years under the supervision of Chief Steward Lawrence W. Nelson and John Hansen. A customs inspector brought Nelson to Gen. Henry. Mr. Smyth had arranged the cigar boxes in an impressive pile on a table in the main deck room and there Nelson declared that he was innocent of wrong doing and he was asked to gaze upon the boxes and reflect that the men from whom they were taken had given him money thereupon he unhesitatingly declared that the man who was getting the cigars had been getting them for several years from a man named Max Cohen of 32 Fulton street, a tailor, who had a larger side business as a cigar dealer.

He was also arrested. He protested that he was innocent until Mr. Smyth called his attention to the pyramid of cigar boxes on the table and remarked that Chief Steward Nelson and others had been bringing in the finest Havana cigars for the last several years under the supervision of Chief Steward Lawrence W. Nelson and John Hansen. A customs inspector brought Nelson to Gen. Henry. Mr. Smyth had arranged the cigar boxes in an impressive pile on a table in the main deck room and there Nelson declared that he was innocent of wrong doing and he was asked to gaze upon the boxes and reflect that the men from whom they were taken had given him money thereupon he unhesitatingly declared that the man who was getting the cigars had been getting them for several years from a man named Max Cohen of 32 Fulton street, a tailor, who had a larger side business as a cigar dealer.

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